

REMARKS

In the Office Action¹, the Examiner:

rejected claims 30, 31, 40, and 51-55 under 35 U.S.C. § 102(e) as allegedly unpatentable over U.S. Patent Pub. No. 2010/0023452 to Brown ("*Brown*");

rejected claims 36 and 38 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Brown* in view of U.S. Patent No. 6,044,362 to Neely ("*Neely*"); and

rejected claims 41, 45, 49, and 50 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Brown* and *Neely* in view of U.S. Patent No. 7,353,203 to Kriplani et al. ("*Kriplani*").

Claims 1-29, 32-35, 37, 39, 42-44, and 46-48 were cancelled in a previous amendment. Accordingly, claims 30, 31, 36, 38, 40, 41, 45, and 49-55 are now pending in this application, of which claims 30, 54, and 55 are in independent form.

I. Rejection of Claims under 35 U.S.C. 102(e)

Applicants respectfully traverse the rejection of claims 30, 31, 40, and 51-55 under 35 U.S.C. § 102(e) as being anticipated by *Brown*.

In order for *Brown* to anticipate Applicants' claims, each and every element as set forth in the claim must be found, either expressly or inherently, in *Brown*. See M.P.E.P. §2131. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. §2131, quoting *Richardson v. Suzuki Motor*

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Co., 868 F.2d 1126, 1236 (Fed. Cir. 1989). Here, *Brown* fails to disclose, either expressly or inherently, each and every element recited in Applicants' claims.

Independent claim 30 recites a combination including, for example:

selecting, from a plurality of electronic-invoice records...
invoices which are due within a pre-selectable time or on a
pre-selectable date;

assigning a first state to the selected invoices...;

assigning a second state to said selected invoices that
satisfy [a] condition...; and

using the first state and the second state to control
processing of the invoices.

Brown fails to disclose the above subject matter of claim 1. *Brown* relates to presenting invoices "in a graphical form consistent with the appearance of a normal paper bill." *Brown*, ¶ [0063]. "The information visually presented to a manager may preferably include embedded links... such that associated elements may be selected to obtain further information." *Brown*, ¶ [0064]. A "dispute button" and "[a]n invoice payment button" may also be displayed to initiate a dispute process or to approve an invoice for payment. *Brown*, ¶ [0064]. "The main page display 500 may have invoice type selection buttons 502a, 502b, 502c to allow selection of invoice types," where the invoice types may be work orders, utilities, or misc. services. *Brown*, ¶ [0065], FIG. 5. "[C]ategorical information such as 'Number of Unpaid Invoices' 514, 'Next Invoice Due Date' 516, or 'outstanding disputes' 518 may be displayed for a manager." *Brown*, ¶ [0066].

However *Brown* does not teach or suggest "**selecting**, from a plurality of electronic-invoice records... invoices which are **due within a pre-selectable time or on**

a **pre-selectable date**,” and “**assigning a first state to the selected invoices**,” as in claim 30 (emphases added). This is at least because *Brown* merely discloses displaying the next invoice due date. However, this does not teach or suggest “selecting... invoices which are **due within a pre-selectable time or on a pre-selectable date**,” and “**assigning a first state to the selected invoices**,” as in claim 30 (emphases added).

Moreover, *Brown* fails to teach or suggest other subject matter recited in claim 30. For example, *Brown* does not teach or suggest “assigning a **second state** to said selected invoices...; and using the **first state** and the **second state** to control processing of the invoices,” as in claim 30 (emphases added). This is at least because *Brown* is silent regarding “a first state” and “a second state” used “to control processing of the invoices,” as recited in claim 30. Thus, *Brown* cannot teach or suggest “assigning a first state to the selected invoices” that are “due within a pre-selectable time or on a pre-selectable date,” and “using the first state and [a] second state to control processing of the invoices,” as recited in claim 30.

In view of the above, *Brown* fails to disclose, either expressly or inherently, each and every element of independent claim 30. Accordingly, the rejection of claim 30 under 35 U.S.C. § 102(e) should be withdrawn and the Examiner should timely allow claim 30.

Independent claims 54, and 55, while differing in their scope, each recite elements similar to those discussed above in relation to claim 30. Thus, for at least the reasons above, independent claims 54 and 55 are allowable over *Brown*. Applicants

respectfully request the Examiner to withdraw the rejection of claims 54 and 55 under 35 U.S.C. § 102(e).

In its rejection of claims 31, 40, and 51-53, the Office Action similarly relied on *Brown*. But claims 31, 40, and 51-53 each depend from independent claim 30, and thus include all elements thereof. As set forth above, *Brown* does not teach or suggest at least the above-noted subject matter of independent claim 30 and included in claims 31, 40, and 51-53. Thus, the rejections of dependent claims 31, 40, and 51-53, under 35 U.S.C. § 102(e) are improper and should be withdrawn.

II. Rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections of claims under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III). Here, no *prima facie* case of obviousness

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has been established for at least the reasons that the office action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed subject matter and the prior art.

III. Rejection of Claims 36 and 38 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 36 and 38 under 35 U.S.C. § 103(a) as being unpatentable over *Brown* in view of *Neely*. A *prima facie* case of obviousness has not been established.

Claims 36 and 38 depend from independent claim 30 and include all recitations therein. As discussed, *Brown* fails to teach or suggest all of the features of independent claim 30. *Neely* fails to remedy the deficiencies of *Brown* by also failing to teach or suggest the above-noted features of independent claim 30. Accordingly, the combination of *Brown* and *Neely* fails to teach or suggest claims 36 and 38, and these claims are allowable at least because of their dependence from independent claim 30.

IV. Rejection of Claims 41, 45, 49, and 50 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 41, 45, 49, and 50 under 35 U.S.C. § 103(a) as being unpatentable over *Brown* and *Neely* in view of *Kriplani*. A *prima facie* case of obviousness has not been established.

Claims 41, 45, 49, and 50 depend from independent claim 30 and include all recitations therein. As discussed, *Brown* and *Neely* fail to teach or suggest all of the features of independent claim 30. *Kriplani* fails to remedy the deficiencies of *Brown* and *Neely* by also failing to teach or suggest the above-noted features of independent claim 30. Accordingly, the combination of *Brown*, *Neely* and *Kriplani* fails to teach or suggest

claims 41, 45, 49, and 50, and these claims are allowable at least because of their dependence from independent claim 30.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and re-examination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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